

Merchantville, NJ September 12, 2016

A regular meeting of Borough Council was held at 7:30 PM, Monday, September 12, 2016. Mayor Ted Brennan presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL:

Council Present: Volkert, Swann, Grasso, Sperrazza, and McLoone. Attorney Higgins, Clerk Brouse, CFO Moules were present.

PRESENTATION-Police Chief presentation of Police Capital spending 5 year plan. Vision of Chief & Councilman Grasso. Where tax dollars are going. Sustainable, sufficient and efficient, better department. Records Management-paper savings-in car video cameras, electronic ticketing. New AED units in building and cars, video recording system in Borough Hall, video (audio for statements). Body cameras save on data storage and back up, in court TV. Tasers implemented, nor can system, 3 laptops from grant. Plan on upgrade to firearms next year. Mayor commends Chief.

PUBLIC-None

PUBLIC HEARING ON ORDINANCE (for second reading and adoption)
16-11 Amending Chapter 66 Rental Certificate of Inspection Requirements

ADOPT ORDINANCE 16-11 Amending Chapter 66, Rental Certificate of Inspection Requirements -On a motion of Mr. Grasso and second of Mr. McLoone, Council adopted the following ordinance.

16-11

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 66, RENTAL CERTIFICATE OF INSPECTION REQUIREMENTS, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Article I. of Chapter 66, Rental Properties, in the Code of the Borough of Merchantville is hereby amended as follows:

Article I.

Inspections; Property and Inspection Standards

ARTICLE I. ARTICLE I. SECTION 66-1. Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this Chapter, shall have the following meaning:

AGENT: The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner of this Chapter. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey, if such person designated by the owner as his agent is so licensed.

APARTMENT or DWELLING: Any apartment, cottage, bungalow or other dwelling unit, consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for

dwelling purposes and notwithstanding whether the apartment be designed for residence, for office or the operation of any industry or business or for any other type of independent use.

CERTIFICATE: The Rental Certificate of Inspection issued by the Borough attesting that the rental unit has been properly inspected in accordance with this Chapter.

CERTIFICATE HOLDER: The person to whom the Certificate is issued pursuant to this Chapter. The term "Certificate Holder" includes within its definition the term "agent," where applicable.

DWELLING UNIT: Any room or rooms or suite or apartment, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or Inspection thereof.

OWNER: Any person or group of persons, firm, corporation or officer thereof, partnership association or trust who owns, operates, exercises control over, or is in charge of a rental facility.

PERSON: An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

RENTAL FACILITY: Every building, group of buildings or a portion thereof consisting of one (1) or more dwelling units, which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals.

RENTAL UNIT: A dwelling unit, which is available for lease or rental purposes. Rental unit shall not include that portion of a rental Facility occupied by the owner.

ARTICLE II. ARTICLE I. SECTION 66-2. Inspection.

All rental units within a rental facility hereinabove defined shall be inspected by the Borough of Merchantville for thirty-six (36) consecutive months, or with each change in occupancy, whichever shall occur first.

ARTICLE III. ARTICLE I. SECTION 66-3. Application for inspection; contents.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, every owner shall apply to the Borough Clerk of the Borough of Merchantville, or such other person as designated by the Mayor and Borough Council, for an inspection of each rental unit contained within a building or structure. The application for inspection shall include the following information:

A. The name and domicile address of the record owner or owners of the premises and the record owner or owners of the rental business, if not the same persons. In the case of a partnership, the name and domicile addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, where such individual may be reached both during the day and evening hours. The designation of a "P.O. Box" or similar alternative address does not satisfy the requirements of this Section.

B. If the domicile address of any record owner is not located in Merchantville or in Camden County the name and domicile address of a person who resides in Camden County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.

C. The name and domicile address of the agent of the premises, if any.

D. The name and domicile address, including the dwelling unit number of the superintendent, janitor, custodian or other individual, employed by the owner or agent to provide regular maintenance service, if any.

E. The name, domicile address and telephone number of an individual representative of the

owner or agent or the owner, if domiciled in Camden County, who may be reached or contacted at any time in the event of an emergency affecting the rental facility or any unit of dwelling space therein, including such emergencies, as the failure of any essential service or system and who has the authority to make emergency decisions concerning the rental facility and any repair thereto or expenditure in connection therewith.

F. The name of any pet residing in the rental unit, the breed of said pet, and the license number assigned to this pet pursuant to its licensure by the State of New Jersey and/or the Borough of Merchantville.

G. The name and address of every holder of a recorded mortgage on the premises.

H. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

I. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan, which shall become part of the application and which shall be attached to the application for inspection when filed by the Borough Clerk or designee. This information shall be made available to the emergency services providers within the Borough of Merchantville.

J. Such other information as may be prescribed by the Borough of Merchantville.

ARTICLE IV. ARTICLE I. SECTION 66-4. Application for inspection; indexing and filing; public inspection; fee.

The Borough Clerk or designee shall index and file the application for inspection. In doing so, the Borough Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the application for inspection will simultaneously satisfy the requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being inspected, and will also satisfy the inspection requirements of this Chapter. The owners shall post the Rental Certificate of Inspection issued by the Borough in a conspicuous place within its property.

ARTICLE V. ARTICLE I. SECTION 66-5. Application for inspection; amendments; filing.

Every person required to file an application for inspection pursuant to this Chapter shall file an amended application for inspection within twenty (20) days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership of the premises is changed.

ARTICLE VI. ARTICLE I. SECTION 66-6. Periodic inspections.

A. Each rental unit within the rental facility shall be inspected at least once every thirty-six (36) month period.

B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Merchantville, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Borough of Merchantville shall not be used as a valid substitute.

C. Such inspection shall be for the purpose of determining zoning ordinance compliance and, to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Uniform Fire Safety Act.

D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit within the rental facility are deemed unsatisfactory, a Rental Certificate of Inspection shall not issue for such property, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made, so as to bring the property and rental unit into compliance with the applicable code, and the property is thereafter subsequently inspected and a Rental Certificate of Inspection is issued. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and, if not made within that time period, the owner shall be deemed in violation of this chapter, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of Sections 17 and 18 of this

Chapter. The owner, however, shall be permitted to apply for an extension of time to make repairs or corrections so as to comply with this chapter, for good cause shown.

ARTICLE VII. ARTICLE I. SECTION 66-7. Access for inspections; repairs.

A. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities and rental units, in order that they may promote the purposes of this Chapter to safeguard the health, safety and welfare of the occupants of rental facilities and rental units and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities and rental units at all reasonable times. The owner or occupant of every rental facility and/or rental unit shall give the inspecting officer free access to the rental facility and/or rental unit at all reasonable times, to promote the purposes of this Chapter.

B. Every occupant shall give the owner of the rental facility or rental unit access to any part of such rental facility or rental unit at all reasonable times for the purpose of making such repairs or alterations, as are necessary, to effect compliance with the provisions of this Chapter or any lawful order issued pursuant thereto.

C. Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this Chapter, an inspecting officer shall conduct an inspection as hereinbefore provided.

ARTICLE VIII. ARTICLE I. SECTION 66-8. Prohibitions on Inspection.

No person shall hereafter occupy any rental unit, nor shall the owner permit Inspection of any rental unit within the Borough of Merchantville, which has not been issued a Rental Certificate of Inspection in accordance with this Chapter.

ARTICLE IX. ARTICLE I. SECTION 66-9. Rental Certificate of Inspection.

A. Upon the filing of a completed application for inspection, payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a Rental Certificate of Inspection commencing of the date of issuance, valid for a period of thirty-six (36) consecutive months. As hereinbefore stated, should a change of occupancy occur within the inspection period, the Rental Certificate of Inspection shall be void and, upon the filing of a completed application for inspection, payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a new Rental Certificate of Inspection commencing on the date of issuance, valid for a period of thirty-six (36) consecutive months.

B. An application for inspection shall be required for each rental unit, and Rental Certificate of Inspection shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

ARTICLE X. ARTICLE I. SECTION 66-10. (Reserved)

ARTICLE XI. ARTICLE I. SECTION 66-11. Fees.

At the time of the filing of the application for inspection, and, prior to the issuance of a Rental Certificate of Inspection, the owner or agent of the owner must pay a fee in accordance with the following:

A. An application fee of \$50.00 per rental unit in rental facilities per inspection period or upon a change in occupancy.

B. A fee of \$50.00 per rental unit shall be charged pursuant to property inspections required under this Chapter. Fees for the re-inspection of rental units shall be charged pursuant to property inspections performed under this Chapter as follows:

1. For the first re-inspection, there shall be no fee.
2. For the second re-inspection, there shall be a fee of \$20.00.
3. For the third and each subsequent re-inspection, there shall be a fee of \$30.00.

D. If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$20.00 shall be assessed in addition any fees outstanding.

E. If the owner of the property is a senior citizen who resides in a unit of the rental facility and rents out the remaining unit(s), and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no fee.

ARTICLE XII. ARTICLE I. SECTION 66-12. Providing application for inspection to occupants and tenants.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the

application for inspection required by this Chapter. This provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act, as per N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the application for inspection in a conspicuous place within the rental unit(s).

ARTICLE XIII. ARTICLE I. SECTION 66-13. Maximum number of occupants; posting.

A. The maximum number of occupants, as determined by the Hotel and Multiple Dwelling Inspection Code of the State of New Jersey, N.J.A.C. 5:13A-1 et seq., shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent and/or tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days. Any person violating this provision shall be subject to the penalty provisions of Sections 17 and 18 of this Chapter.

B. Only those occupants whose names are on file with the Borough of Merchantville, as required in this Chapter, may reside in the subject premises. It shall be unlawful for any other person to reside in said premises, and any owner, agent and/or tenant allowing any other party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of Section 17 and 18 of this Chapter.

ARTICLE XIV. ARTICLE I. SECTION 66-14 Taxes and other municipal charges; payment precondition for inspection and issuance of Rental Certificate of Inspection.

No Rental Certificate of Inspection shall issue for any property, containing a rental unit, unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

ARTICLE XV. ARTICLE I. SECTION 66-15. Other rental unit standards.

All dwelling units shall be maintained in accordance with the Uniform Construction Code and the BOCA National Property Maintenance Code.

ARTICLE XVI. ARTICLE I. SECTION 66-16. Occupant(s) standards.

A. Occupants. Only those occupants whose names are on file with the Borough Clerk, as provided in this Chapter, may reside in the premises subject to the Rental Certificate of Inspection. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

B. Nuisance prohibited. No rental facility shall be conducted in a manner, which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owner or of the public in general, such that it shall constitute a nuisance, as defined in the ordinance of the Borough of Merchantville.

C. Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough of Merchantville, and with all applicable state and federal laws

D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of Section 18 of this Chapter.

ARTICLE XVII. ARTICLE I. SECTION 66-17. Revocation of Rental Certificate of Inspection; procedure.

A. Grounds. In addition to any other penalty prescribed herein, a Certificate Holder may be subject to the revocation or suspension of the Rental Certificate of Inspection issued hereunder upon the happening of one or more of the following:

(1) Conviction of a violation of this Chapter in the Municipal Court or any other court of competent jurisdiction.

(2) Determination of a violation of this Chapter at a hearing held pursuant to Subsection B., herein.

(3) Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of the Noise Ordinance of the Borough.

(4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this Chapter.

(5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to the person or property.

B. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a Rental Certificate of Inspection may be filed by any one or more of the following: Director of the Office of Code Enforcement, Chief of Police, Construction Code Official, Code Enforcement Officer, Fire Inspector or any other persons or officers authorized to file such complaint. Such complaint shall be in writing and filed with the Borough Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the Certificate Holder of the charges, so as to permit the Certificate Holder to present a defense. The individual(s) may file a complaint on the basis of information and belief, and need not rely on personal information.

(2) Upon the filing of such written complaint, the Borough Clerk or designee shall immediately inform the Mayor and Borough Council, and a date for a hearing shall be scheduled, which shall not be sooner than 15 nor more than 30 days thereafter. The Borough Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the Certificate Holder and/or the agent, if any, at the address indicated on the application for inspection. Service upon the agent shall be sufficient.

(3) The hearing required by this section shall be held before the Mayor and Borough Council, unless, in its discretion, the Mayor and Borough Council determine that the matter should be heard by a Hearing Officer, who shall be appointed by the Mayor and Borough Council. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Mayor and Borough Council within 30 days of the conclusion of the hearing. The Mayor and Borough Council shall then review the matter and may accept, reject or modify the recommendations of the Hearing Officer based on the record before such hearing officer. In the event that the matter is not referred to a Hearing Officer and is heard by Mayor and Borough Council, then the Mayor and Borough Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the Rental Certificate of Inspection, or determining that the Rental Certificate of Inspection shall not be renewed or reissued for one or more subsequent years.

(4) A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

(5) The Borough Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action brought pursuant to this Chapter by demonstrating that the Certificate Holder has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

ARTICLE XVIII. ARTICLE I. SECTION 66-18. Violations; penalties.

Unless another penalty is expressly provided by New Jersey statute, every person, firm, association or corporation violating any provision of this Chapter shall, upon conviction thereof, be subject to the fines and/or penalties as are set forth in the Chapter 1-9 of the Code of the Borough of Merchantville. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this Chapter.

ARTICLE XIX.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XX.

This Ordinance shall take effect after passage and publication according to law.

PUBLIC HEARING ON ORDINANCE (for second reading and adoption)
16-12 Amending Chapter 9, Animals

Barbara Fegley-106 Woodlawn Avenue. Mr. Volkert-should have notification of neighbors adjacent to chicken home as part of the license.

ADOPT ORDINANCE 16-12 Amending Chapter 9, Animals -On a motion of Ms. Swann and second of Mr. McLoone, Council adopted the following ordinance.

16-12

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF
CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 9,
ANIMALS, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 9, Animals, in the Code of the Borough of Merchantville, be and hereby is amended, as follows:

ARTICLE I. SECTION 9-56.1 Chickens permitted; pilot program.

A. Notwithstanding the provisions of Section 9-56 of this Chapter, the keeping of backyard chickens shall be permitted in the Borough of Merchantville subject to the rules and regulations as specified in Sections 9-56.1 through 9-56.5 of this Chapter.

B. A pilot program for the keeping of backyard chickens is hereby authorized. Keeping of backyard chickens shall be permitted in the Borough of Merchantville subject to the rules and regulations as specified in this Chapter. The pilot program shall terminate on October 1, 2018 at 12:01 a.m., unless the Borough Council of the Borough of Merchantville act to continue same prior to that date. In the event the Borough Council does not act to continue the program prior to said termination date, all persons with backyard chickens shall be grandfathered and be able to keep their chickens so long as no new ones are added and the guidelines of the pilot are maintained.

ARTICLE II. SECTION 9-56.2 Location; number restricted.

A. The following shall be eligible to participate in the pilot program: residents of single family homes or residents of "twin" homes or "row" homes which meet the criteria set forth in this Section.

B. For purposes of this pilot program, no more than twenty-five (25) licenses may be issued at any one time. Any additional households wanting to participate may be considered on an individual basis by the Chicken Advisory Board established pursuant to Section 9-57 in conjunction with the liaison to the Governing Body.

C. There shall be a limit of four (4) chickens per license. No roosters are permitted.

D. The coop and enclosed run shall not exceed six (6) feet in height and be kept at least ten (10) feet from the habitable portion of the neighboring residential dwelling. Garages, attached or otherwise, and accessory buildings shall not be considered a "residential dwelling" for purposes of calculating the required distance. Chickens may roam outside of the coop area in a back yard suitably fenced to keep them contained provided that a person age eighteen (18) or older is present the entire time.

ARTICLE III SECTION 9-56.3 Requirements for coops; slaughter of chickens; waste.

The following regulations and conditions for the keeping and housing of chickens shall be complied with:

A. The coop shall be the appropriate size for the number of chickens.

B. The coop shall be dry and well ventilated with windows to admit sunlight.

C. The coop must be kept clean.

D. The coop and enclosed run must be made predator-proof.

E. Clean water must be provided, and food must be kept tightly closed in a metal container away from the coop and run at night.

- F. The yard in the area where the coop is located shall be clean and free from odors.
- G. There shall be no slaughter of chickens in Merchantville.
- H. Waste will be handled in such a way as proper composting to prevent offensive odors or disposed in an environmentally-friendly manner.
- I. There shall be no selling of eggs.

ARTICLE IV. SECTION 9-56.4 Creation of Chicken Advisory Board; complaints.

A. A Chicken Advisory Board consisting of five (5) members of the community shall be formed. The Chair and members of this Board will be appointed to a one-year term by the Mayor, with advice and consent of Borough Council. The Chair and Board members shall select the Vice Chair and Secretary of the Board. The Board shall meet on a regular basis and keep minutes, which shall be submitted along with quarterly reports to Borough Council. These reports will include any activities of the Board, as well as any complaints from residents concerning backyard chickens and the resolution, if any, of those complaints.

B. When a complaint is received by the Borough, it will be forwarded to the Board for investigation by the Board. If the Board finds a violation of this Chapter, solutions will be discussed with the offending resident to allow him/her to meet the requirements of this Chapter as soon as possible. However, if, after fifteen (15) days, the violation has not been remedied, the Borough Code Enforcement Officer will be notified so that enforcement proceedings can be implemented. The Chicken Advisory Board will assist anyone desiring to no longer participate in the backyard chicken program to relocate his/her chickens.

ARTICLE V. SECTION 9-56.5 Revocation of license; appeal.

Subject to the provisions of Section 9-56.4(B) of this Chapter, the Code Enforcement Officer is hereby empowered to revoke the license held by any person who violates any of the provisions of this Chapter. A licensee may appeal the decision of the Code Enforcement Officer revoking his/her license to the Chicken Advisory Board, by filing an appeal, in writing, to the Chicken Advisory Board within five (5) days of the effective date of the license revocation. Within ten (10) days of its receipt of such an appeal, the Chicken Advisory Board shall schedule a hearing to determine if the license issued under this Chapter should be reinstated. Notice of the time and place of such hearing shall be served, in writing, upon the licensee. The Chicken Advisory Board shall only reinstate the license issued under this Chapter upon proof by the licensee that the violation(s) of the provision(s) of this Chapter have been cured.

ARTICLE VI.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VII.

This Ordinance shall take effect upon passage and publication according to law.

ADOPT ORDINANCE 16-12 Amending Chapter 9, Animals –Amendment two notifying adjacent property owners was voted down

PUBLIC HEARING ON ORDINANCE (for second reading and adoption)
16-13 Amending Chapter 86, Vehicles

Barbara Fegley-106 Woodlawn Avenue- Permits for on street parking, business vehicles on street should not be allowed.

ADOPT ORDINANCE 16-13 Amending Chapter 86, Vehicles -On a motion of Mr. Grasso and second of Mr. McLoone, Council adopted the following ordinance.

16-13

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF
CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 86,**

**VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF
MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Article VI. of Chapter 86, Vehicles and Traffic, of the Code of the Borough of Merchantville, is amended as follows:

ARTICLE I. ARTICLE VI. SECTION 86-13.1 Overnight parking; exceptions.

The following shall constitute exceptions to the prohibitions set forth in Schedule VI against parking between the hours of 2:00 a.m. and 6:00 a.m. on any street in the Borough; provided, however, that no motor vehicle shall be permitted to be parked on any street for more than 24 continuous hours:

A. A resident, upon making written application for the permission provided for in this and the following subsections to the Chief of Police, shall be issued up to two (2) insignia per property, which will authorize such resident or a member of his household to park a motor vehicle duly registered in the State of New Jersey to the resident's address, which is owned by such resident or a member of his household, on the public streets of the Borough where parking is not otherwise prohibited between the hours of 2:00 a.m. and 6:00 a.m.

B. In situations involving an application by a resident for additional insignia, or which involve an application by a resident for insignia for a vehicle not registered in the State of New Jersey, the Chief of Police shall be satisfied that the resident making written application for the permission provided for in this and the following subsections has not ample driveway space, no driveway, garage or other legal off-street parking space on his premises, whereupon the Chief of Police shall issue to such resident insignia authorizing such resident or a member of his household to park a specific motor vehicle or vehicles duly registered in the State of New Jersey to the resident's address, owned by or principally used by him or a member of his household, on the public streets of the Borough where parking is not otherwise prohibited between the hours of 2:00 a.m. and 6:00 a.m. The Chief of Police shall render a decision on said written application within ten (10) days of the filing thereof.

C. In situations involving an application by a non-resident for insignia for a vehicle registered or not registered in the State of New Jersey, the Chief of Police shall be satisfied that the resident making written application for the permission provided for in this and the following subsections has not ample driveway space, no driveway, garage or other legal off-street parking space on his premises, whereupon the Chief of Police shall issue to such resident insignia authorizing such resident, a member of his household, or a non-resident, to park a specific motor vehicle or vehicles on the public streets of the Borough where parking is not otherwise prohibited between the hours of 2:00 a.m. and 6:00 a.m. The Chief of Police shall render a decision on said written application within ten (10) days of the filing thereof.

D. All such insignia issued under Subsections A and B of this Article shall be valid for the period of time in which the resident owns the vehicle designated. All such insignia issued under Subsection C of this Article shall be issued for a period of one year or less, at the discretion of the Chief of Police, commencing on the date the application is granted, and ending on a date therein designated, and shall be renewable upon the Chief of Police being satisfied on the matters set forth in Subsection C, if applicable. The holders thereof must reapply for such permit at its designated expiration date.

E. Such insignia shall be affixed or displayed upon the rear inside rearview mirror of the motor vehicle being parked as permitted herein so as to be visible from the front of the motor vehicle.

F. Any resident denied any permit under Subsection B may, within five days of the denial of said request, file a written appeal of said denial to the Borough Police Board, which will decide each case on its merits and render a written decision within 15 days of the filing of said appeal.

G. Commercial vehicles with a gross vehicle weight (GVW) of less than 8,000 pounds shall be eligible for issuance of a parking permit under this section.

H. There shall be no fee for insignia issued under Subsection A of this article. There shall be a fee of One (\$1.00) Dollars, per insignia, for insignia issued under Subsection B of this article. There shall be a fee of Ten (\$10.00) Dollars per insignia for insignia issued under Subsection C of this Article.

ARTICLE III.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith

ARTICLE IV.

This Ordinance shall take effect upon passage and publication according to law.

PUBLIC HEARING ON ORDINANCE (for second reading and adoption)

16-08 Amending Chapter 33A, Flood Damage Prevention Amendments.

ADOPT ORDINANCE 16-08 Amending Chapter 33A, Flood Damage Prevention Amendments -

On a motion of Mr. Grasso and second of Mr. Sperrazza, Council adopted the following ordinance.

16-08 Amendment

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING CHAPTER 33A, FLOOD DAMAGE PREVENTION, TO THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 33A, Flood Damage Prevention, is hereby added to the Code of the Borough of Merchantville, as follows:

ARTICLE I.

SECTION 33A-1

Statutory Authorization, Findings of Fact and Statement of Purpose.

A. The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Council of the Borough of Merchantville of Camden County, New Jersey does ordain as follows:

B. Findings of Fact:

1. The flood hazard areas of the Borough of Merchantville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

ARTICLE II. SECTION 33A-2 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Appeal — A request for a review of the Borough Clerk's interpretation of any provision of this ordinance or a request for a variance.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Historic Structure — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ARTICLE III.

SECTION 33A-3

General Provisions.

A. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Merchantville, Camden County, New Jersey.

B. The areas of special flood hazard for the Borough of Merchantville, Community ID # 340569, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

1. **A scientific and engineering report "Flood Insurance Study, Camden County, New Jersey (All Jurisdictions)" dated (August 17, 2016).**

2. **"Flood Insurance Rate Map for Camden County, New Jersey (All Jurisdictions)" as shown on Index and panels: (34007C0029F & 34007C0033E) whose effective date is (August 17, 2016).**

3. The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 1 West Maple Avenue, Merchantville, New Jersey.

C. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be liable for a fine not exceeding \$2,000.00, or imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination of the penalties so listed, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Nothing herein contained shall prevent the Borough of Merchantville, from taking such other lawful action as is necessary to prevent or remedy any violation.

D. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. In the interpretation and application of this ordinance, all provisions shall be:

- 1. Considered as minimum requirements;
- 2. Liberally construed in favor of the governing body; and,
- 3. Deemed neither to limit nor repeal any other powers granted under State statutes.

F. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

G. This ordinance shall not create liability on the part of the Borough of Merchantville, any

officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder

ARTICLE IV. SECTION 33A-4 Administration.

A. A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Chapter 33A-3(B). Application for a Development Permit shall be made on forms furnished by the Borough Clerk and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood proofed.
3. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. The Borough Clerk is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

C. Duties of the Borough Clerk shall include, but not be limited to:

1. PERMIT REVIEW
 - a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

2. USE OF OTHER BASE FLOOD DATA - When base flood elevation data has not been provided in accordance with Chapter 33A-3(B), the Borough Clerk shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Chapter 33A-5(A) and Chapter 33A-5(A).

3. INFORMATION TO BE OBTAINED AND MAINTAINED
 - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

5. SUBSTANTIAL DAMAGE REVIEW
 - a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
 - b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.

6. INTERPRETATION OF FIRM BOUNDARIES - Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 33A-4(D).

D. VARIANCE PROCEDURE

1. APPEAL BOARD

a) The Joint Land Use Board as established by Borough Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.

b) The Joint Land Use Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Borough Clerk in the enforcement or administration of this ordinance.

c) Those aggrieved by the decision of the Joint Land Use Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by statute.

d) In passing upon such applications, the Joint Land Use Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e) Upon consideration of the factors of Chapter 33A-4(D)(1)(d) and the purposes of this ordinance, the Joint Land Use Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

f) The Borough Clerk shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

2. CONDITIONS FOR VARIANCES

a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Chapter 33A-4(D)(1)(d) has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d) Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances,

cause fraud on or victimization of the public as identified Chapter 33A-4(D)(1)(d), or conflict with existing local laws or ordinances.

e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE V. SECTION 33A-5 Provisions for Flood Hazard Reduction

A. In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

1. ANCHORING

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. CONSTRUCTION MATERIALS AND METHODS

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. UTILITIES

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

d. For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. SUBDIVISION PROPOSALS

a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

b. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

d. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5. ENCLOSURE OPENINGS - All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of

all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

6. MANUFACTURED HOMES

1. Manufactured homes shall be anchored in accordance with Chapter 33A-5(A)(1).

2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

- a. Be consistent with the need to minimize flood damage,
- b. Be constructed to minimize flood damage,
- c. Have adequate drainage provided to reduce exposure to flood

damage.

ARTICLE VI.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VII.

This Ordinance shall take effect upon passage and publication according to law.

ENGINEER REPORT-none

APPROVAL OF MINUTES-On a motion of Mr. Volkert and second of Mr. Sperrazza, council approved the council meeting minutes of 8/8/16.

CORRESPONDENCE

COUNCIL REPORTS

Mr. Volkert-No Planning Board meeting.

Mr. McLoone-No HPC- 42 W. Maple letter was sent, dog waste container broken, new one ordered. \$250.00 for dog waste bags per quarter. \$1,200 emergency repair to public works vehicle and tree trim work, salt co-op request, Greg LaVadera-45 N. Centre hose in basement to drain water, would like to revisit this issue in a few weeks. As response to resident, Carmen Rodriguez, had mosquito sprayed, thank you. Pennsauken vehicle update? Chief was told possibly November, costs are higher, Plan B? Major work getting estimates. See Click Fix is working well especially with public works. Steve, Andrew and Roy will meet with Gold Medal.

Ms. Swann-Shade Tree Commission-No meeting, discuss restructuring, Business Association wine and cheese event, yard sale, September 17th, Music Fest October 1st, Toy & collectable show October 8th, 30 vendors. Farmers Market October 29th, Halloween Festival, clean up mid-November (areas w/Roy) small business Saturday event, Xmas tree lighting/parade, December 2nd, breakfast w/ Santa, December 10th, Haunted Merchantville, Halloween Night, September 24th beer fest. Mayor-Halloween ramp up, Asters-soft opening today.

Mr. Sperrazza-No fire report, code 3 resale, 20 property maintenance, 63 of 200 properties complete, sidewalk grant complete. Order to show cause, 19 W Chestnut, 29 Volan need to transfer to society.

Mr. Grasso-Court-August \$9,339.05, 250 added, 327 disposed, attended classes. Police-thanks Chief, Admin work, Management of staff and overtime, vehicle up set. August National Night out-E ticketing/bingo licenses, out pouring of support to police from residents. 1 Nar can save, meet with Mr. Strong for safe protocol in schools, calls 1260, 161 traffic, 84 tickets, 18 criminal arrests. Public Events-Safe Halloween October 31st curfew. October 7th POW/MIA-American

Legion 7:00 PM, Beer Fest September 24th, Court recovery, Freeholder meetings held in Merchantville, Thank you for allowing us to host it.
Task Force reorganizing.

CLERK'S REPORT

Registration for League of municipalities, Town wide yard sale 9/17, Tax Sale 10/6, sidewalk grant complete, \$21,000 CDBG award for Senior Center flooring, DVRPC seminar 11/4

OLD BUSINESS

NEW BUSINESS

APPROVAL-Use of Facility for Collectible Event-On a motion of Ms. Swann and second of Mr. Sperrazza, Council approved the use of facility for Collectible Event.

APPROVAL- Use of Facility for Music Fest- On a motion of Mr. Sperrazza and second of Ms. Swann, Council approved the use of facility for the Music Fest.

APPROVAL-Volunteer Firefighter Matthew Gaskill

APPROVAL-Volunteer Firefighter Junior-Nigel Stafford

APPROVAL- Volunteer Fire Fighter Junior-Joshua R. Valente

On a motion of Mr. Sperrazza & second of Ms. Swann, council approved Volunteer Firefighter Matthew Gaskill and Volunteer Firefighter Junior Nigel Stafford & Joshua R. Valente.

Resolutions to be read by consent agenda: On a motion of Mr. Volkert and second of Mr. Grasso, Council approved the following resolutions by consent agenda:

R16-113

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY FOR RENEWAL OF MEMBERSHIP IN THECAMDEN COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Borough of Merchantville is a member of the Camden County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE BE IT RESOLVED,

1. The Borough of Merchantville agrees to renew its membership in the Camden County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage's, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Camden County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

R16-114

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY CANCELLING GRANT BALANCE

WHEREAS, the Borough of Merchantville received police enforcement grants for designated periods of times and the grant are expended. The Borough of Merchantville received the submitted reimbursement for the funds expended and no additional activity will be scheduled; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balance may be removed from appropriations;

Transportation Enhancement-West End Streetscape	G-01-41-819-301	7,495.64
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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, New Jersey, that the above listed unexpended balance of the police equipment grant is hereby canceled.

R16-115

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY FOR CANCELLATION OF OUTSTANDING CHECKS

WHEREAS, there exists outstanding checks through the Current Fund Account which has been outstanding for over six months; and

WHEREAS, the checks have been investigated and have been determined to have been lost or otherwise destroyed;

NOW, THEREFORE BE IT RESOLVED that the following checks can be cancelled and the expenditure be deposited into the Current Fund:

<u>CHECK NO.</u>	<u>CHECK DATE</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>
19026	03-21-2014	150.00	Current
	TOTAL	150.00	

R16-116

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY CANCELLING DOT GRANT BALANCE

WHEREAS, the Borough of Merchantville received FY 2012 New Jersey Department of Transportation Municipal Aid for a designated road project and the project is completed. The Borough of Merchantville received the submitted reimbursement for the funds expended and no additional activity will be scheduled; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balance may be removed from Capital appropriations;

FY 2012 N.J.D.O.T. Municipal Aid	C-04-55-831-904	1,794.25
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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, New Jersey, that the above listed unexpended balance of the DOT grant is hereby canceled.

R16-117

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY CANCELLING AUTHORIZATION FOR SEWER CAPITAL

WHEREAS, the Borough of Merchantville received authorization for supplemental funding from New Jersey Environmental Infrastructure Trust (NJEIT) for improvements to the sanitary

sewer system and the required projects are completed. The Borough of Merchantville received the submitted reimbursement for the funds expended and no additional activity will be scheduled; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balance may be removed from Sewer Capital appropriations;

NJEIT Supplemental Funding	C-08-55-900-907	206,663.49
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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, New Jersey, that the above listed unexpended balance of the NJEIT funding is hereby canceled.

Payment of Bills—On a motion of Mr. McLoone and second of Mr. Sperrazza, Council approved the payment of bills

R16-118 RESOLUTION

RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bill approved therein.

CURRENT FUND		REVENUE	BUDGET
CHECKS CURRENT FUND			
	2016 BUDGET		148,788.55
	GRANTS		1,149.67
	PFRS		
	PERS		
	DEBT SERVICE		
	BOARD OF EDUCATION*		
	CAMDEN COUNTY		
WIRE TRANSFERS PAYROLL	8/19/16-9/2/16		136,219.61
WIRES / MANUAL CHECKS			51,861.86
TOTAL CURRENT		0.00	338,019.69
SEWER UTILITY			
CHECKS SEWER FUND			
	2016 BUDGET		2,000.00
	DEBT SERVICE		
WIRE TRANSFERS PAYROLL	8/19/16-9/2/16		4,305.37
WIRE NJEIT LOAN			
WIRES /MANUAL CHECKS			
TOTAL SEWER		0.00	6,305.37
GENERAL CAPITAL FUND			
CHECK CAPITAL FUND			39,749.09
MANUAL CHECK			3,895.00
WIRE TRANSFERS PAYROLL	8/19/16-9/2/16		
TOTAL CAPITAL		0.00	43,644.09
TRUST FUND			
CHECK TRUST OTHER FUND			7,758.01
WIRE TRANSFERS PAYROLL	8/19/16-9/2/16		14,012.16

WIRES / MANUAL CHECKS		20300.00
TOTAL TRUST	0.00	42,070.17
SEWER CAPITAL FUND		
CHECK SEWER CAPITAL		
MANUAL CHECKS		
WIRE TRANSFERS PAYROLL	8/19/16-9/2/16	
TOTAL SEWER CAPITAL	0.00	0.00
ANIMAL TRUST FUND		
ANIMAL TRUST CHECK		362.00
TOTAL ANIMAL TRUST	0.00	362.00
TOTAL BILL LIST & MANUAL CHECKS/WIRE		
	0.00	430,401.32
GRAND TOTAL	\$	430,401.32

ANNOUNCEMENTS-40 years on the board at the Water Commission-Burt German

ADJOURNMENT: On the motion of Mr. Grasso and second of Mr. Sperrazza the meeting was adjourned at 9:18 P.M.

Denise Brouse, Borough Clerk